

REMARKS

Claims 1-4 and 11-20 are pending in this application. Claims 1 and 11 are independent claims. By this amendment, claims 1 and 11 are amended.

Reconsideration in view of the above amendments and following remarks is respectfully solicited.

Personal Interview

Applicants wish to thank Examiner Justin Misleh for the courtesies extended to Applicants' representative, Carolyn Baumgardner, during the August 24, 2005 personal interview. During the interview, the differences between the claimed invention and the Takeshita and Anderson references were discussed. The substance of the personal interview is summarized in the following remarks.

Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's indication of allowable subject matter in claim 15 over the art of record. The Office Action also indicates that claim 15 is objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, applicants respectfully submit that all of claims 1-4 and 11-20 are allowable, for at least the reasons set forth below.

The Claims Define Patentable Subject Matter

The final Office Action makes the following rejections:

(1) claims 1-3, 11-13 and 16-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,278,844 to Takeshita (hereafter Takeshita) in view of U.S. Patent No. 6,233,016 to Anderson et al. (hereafter Anderson); and

(2) claims 4, 14, 19 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Takeshita in view of Anderson and U.S. Patent No. 6,700,610 to Kijima et al. (hereafter Kijima).

These rejections are respectfully traversed.

Applicants respectfully submit that the combination of Takeshita and Anderson fail to teach or suggest each and every feature as set forth in the claimed invention.

First of all, in response to our previous arguments, the Examiner first alleges that applicants attacked Anderson individually and not in combination with Takeshita. Secondly, the Examiner alleges that our arguments regarding Anderson are misplaced because Anderson was not specifically and solely relied upon to specifically teach "determining, during power initiation, whether or not an amount of voltage decrease from the electric power caused by an operation of a driving motor is less than a predetermined value." The Examiner states that

rather the combined teachings of Takeshita and Anderson suggest the above noted features. (see final Office Action, pages 2-3).

Applicants respectfully disagree with the Examiner's interpretation of our previous arguments. For example, as for the Examiner's first allegation noted above regarding an individual argument pertaining to Anderson, applicants respectfully direct the Examiner's attention to our previous response/arguments page 13 wherein we argued, that Anderson fails to make up for the deficiencies found in Takeshita. As such, applicants clearly argued that the combination of references failed to teach or suggest each and every feature as set forth in the claimed invention.

As for the Examiner's second allegation above regarding our misplaced arguments in relation to Anderson, applicants direct the Examiner's attention to his own admissions that Takeshita fails to disclose "determining, during power initiation, whether an amount of voltage decrease of the power source caused by an operation of one of the lens cover driving motor and the zoom motor is less than a predetermined value." (see non-final Office, page 5: see final-Office Action, page 2 and page 6). Having admitted that Takeshita fails to disclose the above-noted features, the Examiner was obligated to provide a reference which made up for the deficiencies in Takeshita. The Examiner attempted to do this with Anderson. Applicants respectfully submit that the Examiner has failed in his attempt. As such,

applicants' arguments properly highlighted the shortcomings of Anderson.

It appears that the Examiner is saying that although Takeshita does not specifically disclose the above noted feature, and although Anderson does not specifically and solely disclose the above-noted feature either, the combination of Takeshita and Anderson suggest such a feature. Applicants totally disagree with this type of improper analysis. Applicants submit that type of reasoning amounts to nothing more than improper hindsight on the Examiner's part.

To establish a *prima facie* case of Obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

As conceded by the Examiner, Takeshita fails to disclose that the controller determines, during power initiation, whether a voltage decrease from the electric power source during operation of one of the lens cover driving motor and the zoom motor is less than a predetermined value, and if so, controlling the zoom motor and the focus motor to substantially overlap in

operation to move the lens groups to initialization positions.
(see final Office Action, page 6, 1st paragraph)

In an attempt to show this feature, the Examiner imports Anderson. Specifically, the Examiner alleges that Anderson discloses that upon a power-on signal (steps 600 and 604, Fig. 7) the voltage sensor (76) compares the power source (74) voltage with a threshold voltage. The Examiner further alleges that in Anderson, if the power source voltage (74) is less than the threshold voltage, the controller changes the power state of the camera (Power state 5 to Power state 1) until the power source (74) voltage exceeds the threshold voltage. (see final Office Action, page 6, 2nd paragraph).

However, applicants respectfully submit that Anderson merely discloses determining whether or not the power source voltage during operation of the camera is greater than the predetermined threshold, 5.2V for example. In other words, Anderson only discloses determining whether or not the battery charge is sufficient, or whether or not the camera is connected to the AC power supply. (see Anderson, col. 5, line 64 to col. 6, line 21 and col. 10, lines 28-34).

Thus, Anderson fails to disclose determining, during power initiation, whether or not an amount of voltage decrease from the electric power source terminal voltage value caused by an operation of a driving motor is less than a predetermined decrease amount value. Again, Anderson fails to disclose looking

at the amount of voltage decrease (i.e., the delta value) caused by an operation of a driving motor during initialization.

Instead, Anderson merely monitors the power source voltage in general and fails to consider the voltage decrease cause by an operation of a driving motor during the initialization stage. As such, in contrast with Anderson and Takeshita, the present invention uses the initialization stage to determine an amount of decrease amount in the voltage.

In contrast with the present invention, according to Anderson since the power source voltage is always monitored, the determination is made only on whether or not a battery charge is sufficient, or whether or not the camera is connected to the AC power source. However, in the present invention, it can be determined whether or not the battery connected to the camera is a power source with sufficiently large enough electric energy (i.e., whether the battery is AC, alkaline, or NiMH) since the amount of voltage decrease from the electric power source caused by an operation of a driving motor during power initiation is specifically monitored.

In other words, the present invention looks at "an amount of decrease", i.e., a Δ voltage, and compares this "decrease amount" to an acceptable decrease amount, i.e., a predetermined decrease amount value, such as 0.1V, for example. Whereas, in Anderson the voltage sensors compares the power source voltage with a

threshold voltage preferably set to 5.2 volts. (see Anderson, col. 10, lines 28-37).

For at least the reasons noted above, applicants respectfully submit that Anderson fails to make up for the deficiencies found in Takeshita, and that the combination of Takeshita and Anderson fail to teach or suggest determining during power initiation whether an amount of voltage decrease from the electric power source terminal voltage value caused by an operation of one of the lens cover driving motor and the zoom motor is less than a predetermined decrease amount value.

Applicants further respectfully submit that Kijima also fails to disclose monitoring the power source voltage decrease amount caused by an operation of a driving motor. As such, Kijima fails to make up for the deficiencies found in both Anderson and Takeshita.

To establish a *prima facie* case of Obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or

suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Applicants respectfully submit that the combination of Takeshita and Anderson fail to teach or suggest each and every feature as set forth in the claimed invention.

Applicants respectfully submit that independent claims 1 and 11 are allowable over the cited art for at least the reasons noted above.

As for each of the dependent claims not particularly discussed above, these claims are also allowable for at least the reasons set forth above regarding their corresponding independent claims, and/or for the further features claimed therein.

Accordingly, withdrawal of the rejection of claims 1-4, 11-14 and 16-20 under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T.

Application No. 09/768,507
Amendment dated September 16, 2005
After Final Office Action of June 17, 2005

Docket No.: 1982-0162P

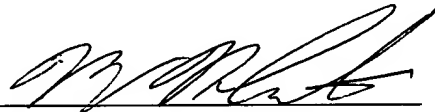
Baumgardner (Reg. No. 41,345) at (703) 205-8000 to schedule a
Personal Interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.


Dated: September 16, 2005

Respectfully submitted,

By



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